

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE  
MIDDLE DISTRICT OF ALABAMA, NORTHERN DIVISION

BOYKIN JONES, )  
 )  
 Plaintiff, ) CIVIL ACTION NO.  
 )  
 v. ) 2:08cv220-MHT  
 ) (WO)  
 LEON FORNISS, Warden, )  
 et al., )  
 )  
 Defendants. )

ORDER

After an independent and de novo review of the record, it is ORDERED as follows:

- (1) Defendant Nikkita Shambray's objections (doc. no. 41) are overruled. (Plaintiff Boykin Jones incorrectly spells defendant Shambray's name as "Nitka Shambary.")
- (2) The magistrate judge's recommendation (doc. no. 40) is adopted.
- (3) Defendant Leon Forniss's motion for summary judgment (doc. no. 15) is granted.

- (4) Judgment is entered in favor of defendant Forniss and against plaintiff Jones, with plaintiff Jones taking nothing as to his complaint against defendant Forniss. This case is terminated as to defendant Forniss.
- (5) Defendant Shambray's motion for summary judgment (doc. no. 22) is granted to the extent that she is sued in her official capacity.
- (6) Judgment is entered in favor of defendant Shambray and against plaintiff Jones to the extent defendant Shambray is sued in her official capacity, with plaintiff Jones taking nothing as to his complaint against defendant Shambray in her official capacity.
- (7) Defendant Shambray's motion for summary judgment (doc. no. 22) is denied to the extent defendant Shambray is sued in her individual capacity for excessive force.

(8) This cause is referred back to the magistrate judge so that she can hold an evidentiary hearing on plaintiff Jones's excessive-force claim against defendant Shambrey in her individual capacity.

DONE, this the 31st day of January, 2011.

/s/ Myron H. Thompson  
UNITED STATES DISTRICT JUDGE